



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Baker et al. Docket No: 39780-2830P1C7
Serial No: 10/006,130 Group Art Unit: 1647
Filed: December 6, 2001 Examiner: Rachel K. Hunnicutt
For: **SECRETED AND TRANSMEMBRANE POLYPEPTIDES AND NUCLEIC ACIDS ENCODING THE SAME**

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

DECLARATION OF NAPOLEONE FERRARA, Ph.D.,
AUDREY GODDARD, Ph.D., PAUL J. GODOWSKI, Ph.D.,
AUSTIN GURNEY, Ph.D., JAMES PAN, Ph.D., COLIN K. WATANABE and
WILLIAM I. WOOD, Ph.D. UNDER 37 CFR 1.131

We, Napoleone Ferrara, Ph.D., Audrey Goddard, Ph.D., Paul J. Godowski, Ph.D., Austin Gurney, Ph.D., James Pan, Ph.D., Colin K. Watanabe and William I. Wood, Ph.D. declare and say as follows:

1. We are the inventors of the above-identified application.
2. We have read and understood the claims pending in this application, and are aware that the claims have been rejected as anticipated by U.S. Patent Publication No. 2003/0096951 (Jacobs *et al.*, publication date May 22, 2003 and effective filing date August 14, 1998).
3. The polypeptide designated as PRO1244 (SEQ ID NO:130) claimed in the above-identified application in the United States was sequenced and cloned prior to August 14, 1998.
4. At the time the PRO1244 polypeptide was cloned and sequenced, one of the inventors, Austin Gurney, Ph.D., was responsible for overseeing the cloning of cDNAs which encoded novel polypeptides, including the cDNA that encoded PRO1244 polypeptide (SEQ ID NO:130) claimed in the above-identified application.

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10/14/04

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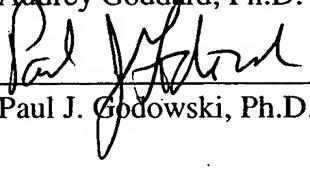
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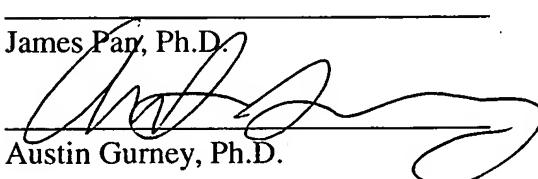
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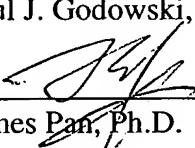
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6. A cDNA clone, referred to as DNA64883-1526 in the above-identified application, was identified as encoding the PRO1244 polypeptide.
7. The full length of the cDNA clone is shown in Figure 73 of the above-identified application. The full-length cDNA sequence has 2213 nucleotide residues. The full length of the PRO1244 peptide encoded by DNA64883-1526 is shown in Figure 74 of the above-identified application. The full-length PRO1244 polypeptide has 335 amino acid residues.
8. Copies of the pages from the GSseqEdit database which report the cloning and sequencing data for the PRO1244 polypeptide sequence and its encoding nucleic acid sequence are attached to this declaration (with the dates redacted) as Exhibit A.
9. The GSseqEdit report shows the full-length nucleic acid sequence for DNA-64883-1526 (identified as "DNA-64883") and the full-length PRO1244 polypeptide encoded by DNA 64883. Both the DNA-64883 and the PRO1244 polypeptide sequences were obtained prior to August 14, 1998.
10. The DNA-64883 sequence shown in the GSseqEdit report is identical to that of SEQ ID NO: 129 disclosed in the above-identified application.
11. The beginning of the cDNA sequence corresponding to SEQ ID NO: 129 in the above-identified application is shown on page 1 of the GSseqEdit database report, and the location of the first nucleotide is marked with "^insert starts here" and an arrow. The location of the last nucleotide corresponding to SEQ ID NO: 129 is shown on page 11 and is marked with an arrow.
12. The amino acid sequence shown in the GSseqEdit report is identical to that of SEQ ID NO: 130 disclosed in the above-identified application.

13. The first 26 amino acid residues of the PRO1244 polypeptide (SEQ ID NO:130) encoded by the cDNA (DNA-64883) are also shown on page 1 of the GSeqEdit report and the remaining 309 residues appear on pages 2-6 of the report.
14. All activities listed under paragraphs 4-13 were completed prior to August 14, 1998. (See Exhibit A).
15. We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information or belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful statements may jeopardize the validity of the application or any patent issued thereon.

Napoleone Ferrara, Ph.D.

Date

Audrey Goddard, Ph.D.

Date

Paul J. Godowski, Ph.D.

Date

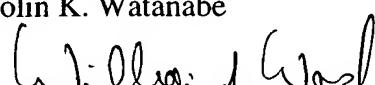
James Pan, Ph.D.

Date

Austin Gurney, Ph.D.

Date

Colin K. Watanabe



Date

William I. Wood, Ph.D.

Date



>DNA64883 [Full]

>510 Sites [All Sites]

> [REDACTED] DNA64883 wiw GSeqEdit

> [REDACTED] DNA64883 zemin GSeqEdit

> [REDACTED] DNA64883 goddarda GSeqEdit

> [REDACTED] DNA64883 sheldens GSeqEdit

>HBN64883.seq, sequenced at ABI/ACGT by Peter Ma and Ellison Chen

>human ortholog of implantation-associated protein - Rattus

mlarII

mlarII
mslII

styI

ncol

dsal tseI

btgI/bstDSI fnu4HI/bsoFI

bstXI bbvI

bsaJI hinPI

bbvI btgI

bsmAI maeIII

haeII hpy99I

maelII/hpyC

tail bsp

^insert starts here

^MET

1 CGGAATTCCGG CTCGAGGGAGC GACATGGCA GCGCGTTGGC GGTTCCTGGT TGTCTCTGG ACCATGGTGG TGGCGCTGCT CATCGTTGG GACGTTCCCT

GCCTTAAGCC GAGCTCTCG CTGTACCGT CGCGCAACCG CCAAAACAC ACCAGAGACAC TGGTACCAACC ACCGGCGACGA GTAGCAAACG CTGGCAAGGA

1

scrFI [dcm-]
pspGI
mvaI
ecoriI [dcm-]
dsav [dcm-]
bstNI
bsKI [dcm-]
apyI [dcm+]
sau3AI
mbol/ndelII [dcm-]
dpnII [dcm-]
dpnI [dcm+]
alwI [dcm-]
bstYI/xholI
alwNI [dcm-]
alw26I/bsmAI
tsp509I [M.ecoriI-]
ecoriI pflMI [dcm-]
apoI bslI [dcm-]
mbolI hpy188III
301 GCTGATGAAG AATTCAGAT CCTGGCAAC TCCRGCCAT ACTCACCAC AGGATATT TGGCATGGT GGATTGTGAT GAAGGCTCTG
CGACTACTTC TTAAGGTCTA GGACCGTTG AGGACCGCTA TGAGGTACG TAAGGGTTG TCCATATAA AACGGTACCA CCTAAACTA CTTCCGAGAC
93 A D E E F Q I L A N S W R Y S S A F T N R I F F A M V D F D E G S D

tsp509I[M.ecori-1]

ecori

hpyCH4V

sfanI

apoI

econI

hpy18I nlaRI aluI

bsI

bsI

hphI

ndeI

maelII

acII

401 ATGTATTCA GATGCTAAC ATGAAATCG CTCCAACTT CATCAACTT CCTGCAAAG GGAAACCAA ACGGGGTAT ACATATGAGT TACAGGTGCG

TACATAAAGT CTACGATTG TACCTAACG GAGGTGAA GTAGTGAA GGACGTTTC CCTTGTT TGCCCCACTA TGTATACCA ATGTCCACGC

127 V E Q M L N M N S A P T F I N F P A K G K P K R G D T Y E L Q V R

ddeI[M.aluI-]

bsPCN I mspl sau3AI

celII/espi hpall mboI/hdeII[dam-]

blpI/bpu1102I scrFI[M.hpall-]

aluI ncII dpnII[dam-]

psuII dsAV dpnI[dam-]

mspAII/mspBII bssK I alwI[dam-]

ssPI tsp509I availI bsII

501 GGGTTTTCA GCTGAGGAGA TTGGCCGGTG GATGCCGAC AGAACATGATG TCAATATTTAG AGTGATTAGA CCCCCAAATT ATGCTGGTCC CCTTATGTTG
CCCAAAAGT CGACTCGTCT AACGGGCCAC CTAGCGGCTG TCTGACTAC AGTTATAATC TCACTAACT GGGGGTTAA TACGACCAAGG GGAATAACAC

160 G F S A E Q I A R W I A D R T D V N I R V I R P P N Y A G P L M L

taqI

aluI

aluI

sfuI

tseI

bstBI

fokI fnu4HI/bsoFI

bsI

bsI

bsI

bsI

bsI

bsI

bael

bsI

bsI

bsI

bsI

bsI

601 GGATTCCTT TGGCTCTTAT TGGGGACTT CTGTATCTTC GAAGAGTAA TATGGATT CTCTTATA AAACTGGATG GGCTTTGCA GCTTGTGTT
CTAACGAA ACCGACATA ACCACCTGAA CACATAGAG CTCTCTCATT ATACCTAA GAGAAATTAT TTGACCTAC CGGAACACAA

193 G L L L A V I G G L V Y L R R S N M E F L F N K T G W A F A A L C F

bsmfI
 sau96I
 nlaIV
 avail
 tru9I ppMI
 aluI hpy188I mseI ec00109I/draI
 TACCGATGGG TATGTCGAA GACTACTCA AAGAGATA TAGACACTGG AGTACTGGG ATTGAAAC GAAATCGGG TGTGTTGAA
 327 G Y P Y S F L M S O

tru9I
 bsmI
 mb01I hpych4V

mnlI
 1101 AGAAGAATG CAACTGTAT ATTGTGATT ACCTCTTT TCAAGTGAT TAAATAGT AATCATTTAA CCAAGAAGA TGTGTAGTC CTTAACAAAGC
 TTCTCTTAC GTGAGACATA TAAACATAA TGGAGAAAA AAGTCACTA AATTATCAA TTGTAATT GGTTCTCT ACACATCACG GAATTGTCG

mnlI
 ddeI
 bspCNI
 mnlI
 hpy188I
 1201 ATCCTCTGT CAAATCTGA GGTTTGAA ATAATTATC CTCTAACCT TCTCTCCCA GTGAACTTA TGGACATT AATTAGTAC AATTAGTAT
 TTAGGAGACA GTTTAGACT CCATAAACTT TATTAATAG GAGAATTGGA AGAGAAGGGT CACTGAAT ACCTGTAA TAAATCATG TAAATCATA

tru9I
 mseI
 hpaI
 psI I tsp509I

aluI hincII/hindII hpy188I
 1301 ATTATAAAA TTGTAAACT ACTACTTGT TTGTTAGA ACAAGCTCA AACTACTT AGTAACTTG GTCATCTGAT TTATATGCC CTTATCCAA
 TAAATTTT AACATTTGA TGATGAACA AAATCAACT TGTTCGAGT TTGATGAA TCAATTGAA CAGTAGACTA AAATATAACG GAAATGGTT

scrFI [dcm-]
psspGI
mval
ecoRII [dcm-]
dsav [dcm-]
bstNI
bskI [dcm-]
apyI [dcm+]
sexAI
hpy188III
ndAI
maeIII
apoI
dder [M aluI-]
xmnI
ecoRI
asp700
apoI
mboII
aluI
msI
fokI
bstF5I
tsp509I [M.ecoRI-]
1401 GATGGGGAAA GAACTCTG ACCAGGTGT CCCACATAG CCTGTACAG ATAACTACAT TAGGAATCA TCTTAGCTT CTCATCTT GTGTGGATGT
CTACCCCTT CATTAGGAC TGGTCCACAA GGGTGTATAC GGACATGTC TATGTATGTA ATCCTTAAGT AAGATGAA GAAGTAGAAA CACACCTACA
tail
hgIAI/asPHI
bsp1286
hpy188I
bsIKAI rmaI ddeI
mboII
bst1107I
accI sfaNI
tsp509I nlaIII bbsI
1501 GTATACTTAA CGCATCTTC CTTTGAGTA GAGAAATTAT GTGTGTATG TGGTCTCTG AAAATGGAAC ACCATCTTC AGAGCACACG TCTAGCCCTC
CATATGAAT GCGTAGAAAG GAAACTCAT CTCTTAATA CACACAGTAC ACCAGAAGAC TTTACCTG TGGTAAGAAG TCTCGTGTGC AGATCGGGAG

tth111/asPI

pleI

pfI

mlYI

hinfI

bpml/qsmI [dcm-]

bseRI

bseRI

bseRI

1601 AGCAAGACAG TTGTTCTCC TCCCTCTGCA ATATTCCTA CTGGCCTCCA GCCTGAGTGA TAGAGTGAGA CTCTGCTCA AAAAAGTA TCTCTAATA
TCGTTCTGTC AACAAAGAGG AGGGAGAACG TATAAAGGAT GACGGGAGGT CGGACTCACT ATCTCACTCT GAGACAGAT TTTTTCAT AGACATTAT

tru9I

scrFI [dcm-] pspGI
mvaI
ecoRII [dcm-] dsaV [dcm-]
bstNI
haeIII/paLI
mscII/balI [dcm-] eaeII [dcm-]
cfrI
scrFI [dcm-] pspGI
mvaI bssKI [dcm-] ecoRII [dcm-] tsp45I
dsaV [dcm-] maeIII
bstNI hinPI bssKI [dcm-] tspRI
pseI bsII [dcm-] hhaI/cfoI ddeI mlyI bsAI apyI [dcm+]
bspcNI hinFI apyI [dcm+] btsI
1901 AAGAGAAAA TAGGCTCACT TAGAAAGGA CTCCTGGCC AGGCCAGTG ACTAACGCCG CTAATCTCAG CACTTGGGA GGCCAAAGCA GGCAGGATCAC
TTCCTCTTTT ATCCGAGTCATCCTTTCCT GAGGGACCGG TCCGGTCACT GAGGAGTC TGAATGGGA CATTAGAGTC GTGAAACCT CGGTTCCGT CGGTCTAGTG
bssS hpy18 sau3AI mboI/nd dpnII [d
mliI bsAI dplI [da

mscI/balI[dcm-]

eaEI[dcm-]

scrFI[dcm-]

pspGI

mvAI

ecoRII[dcm-]

dsAV[dcm-]

bstNI

bsAI

bssKI[dcm-]

bsAI

bsF5I

haeII/palI

hpy188III

bsal

bstF5I

haeII/palI

bsAI

bsF5I

haeII/palI

fnu4HI/bsoFI
 haeIII/palI
 mcrI
 eagI/xmaIII/eclXI
 eaeI
 cfRI
 pleI
 mlyI
 hinFI
 bsmAI
 acII acIII speI
 notI maeI
 fnu4HI/bsoFI bfaI
 rmaI
 bseI
 acII acIII speI
 2201 GCGAGACTCC ATCTCAAAA AAAAAAAA AAAAAAAA AAAAAAGGG CGGCCGCCGA CTAGTGAGC
 CCCTCTGAGG TAGAGTTTT TTTTTTTT TTTTTTTT TTTTTTCCC GCCGGGGCT GATCACTCG

> length: 2269

accI(GTMKAC): 1501
 acII(CCGC): 39 498 2250 2254
 afI(ACRYGT): 780 1586
 ahalIII(CTTAAA): 1150
 ahDI(GACNNNNNGTC): 278 714
 aluI(AGCT): 152 300 429 510 690 822 888 1015 1345 1476 1816 2070 2102
 alw26I(CAGNNNCTG): 101 316
 alwI(GGATCNNN): 318 530
 alwNTI(CAGNNNCTG): 101 316
 apoI(RAATTY): 3 310 423 655 1464
 apyI(CCWGG): 321 332 1422 1934 1939 2023 2189
 asp700(GAANNNNNTTC): 1464 1749
 aspHI(GWGCWC): 1582